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URBAN/MUNICIPAL

Hamilton-Wentworth Regional Municipality, Ont. Dept. of Planning and Development.
Minutes of Land Division Committee. Aug 5, 12, 1986

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

LAND DIVISION COMMITTEE
Planning and Development Department
P.O. Box 910, Hamilton, Ontario L8N 3V9

Refer to File No.
Attention of
Your File No.

July 18, 1986

A G E N D A

There will be a meeting of the Land Division Committee on Tuesday, August 5, 1986, at 1:30 p.m., in Committee Room 'D', on the 14th floor, of the Ellen Fairclough Building, 119 King Street West, Hamilton, Ontario. Your presence is respectfully requested.

The applications to be heard are as follows:

denied 1. File No: A-33-86
1:30 p.m.
The application by George E. Robinson for consent to convey a parcel for residential purposes, located at Part of Lot 30, Con. 4, in the Town of Ancaster.

deferred 2. File No: D-11-86
1:40 p.m.
The application by John F. Mahony on behalf of S.K. Woods and L.T. Koike for consent to convey a parcel of land for residential purposes and to establish a 10' right-of-way, located at Part of Lot 6, Block 23, Richard Hatt Survey, Plan No. 1443, in the Town of Dundas.

denied 3. File No: F-73-86
1:50 p.m.
The application by Bruce Branston on behalf of Gerald D. Binkley for consent to convey a parcel of land for agricultural purposes, located at Part of Lot 11, Con. 4, formerly in the Township of West Flamborough, now in the Town of Flamborough.

denied 4. File No: F-74-86
2:00 p.m.
The application by Johnson, Ramsbottom and Castle on behalf of Reg Garth Doel and James Skarratt for consent to convey a parcel of land for agricultural purposes, located at Part of Lot 10, Con. 2, formerly in the Township of Beverly, now in the Town of Flamborough.

deferred 5. File No: F-75-86
2:10 p.m.
The application by Steve Moir on behalf of Gregg and Wilma Doyle for consent to convey a parcel of land for residential purposes, located at Part of Lot 29, Con. 1, R.P. No. 342, formerly in the Township of Beverly, now in the Town of Flamborough.

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6. File No: G-27-86
2:20 p.m.

The aplication by William E. Kosar on behalf of Alzira Marques for consent to convey a parcel of land for residential purposes, located at Part of Lot 11, Con. 2, formerly in the Township of Glanford, now in the Township of Glanbrook.

7. File No: G-28-86
2:30 p.m.

The application by Arthur French on behalf of Leora Johnston for consent to convey a parcel of land for a cultural and heritage facility, located at Part of Lot 13, Con. 5, formerly in the Township of Glanford, now in the Township of Glanbrook.

8. File No: H-106-86
2:40 p.m.

The application by G. Ian Stout on behalf of Jaime Investments Inc. for consent to convey a parcel of land for residential purposes, located at Part of Lot 1 and Part of Lot Lettered 'B', James Hughson Survey, in the City of Hamilton.

9. File No: H-107-86
2:40 p.m.

The application by G. Ian Stout on behalf of Jaime Investments Inc. for consent to convey a parcel of land for residential purposes, located at Part of Lot 1 and Part of Lot Lettered 'B', James Hughson Survey, in the City of Hamilton.

10. File No: H-108-86
2:50 p.m.

The application by G. Ian Stout on behalf of H. & H. Holdings Inc. for consent to convey a parcel of land for residential purposes, located at Part of Lots 14, 15 and 19, Registered Plan 160, in the City of Hamilton.

11. File No: H-109-86
3:00 p.m.

The application by Edwin W. Adler on behalf of Shelle R. Ramharrack for consent to convey a parcel of land for residential purposes, located at Parts of Lots 29, R.E.A. Land Survey, Registered Plan No. 286, and Part of Lot 56, R.E.A. Land Survey in the City of Hamilton.

12. File No: S-58-86
3:10 p.m.

The application by Mike Rubenstein on behalf of Steve Pokolic and Dorothy Pokolic for consent to convey a parcel of land for residential purposes, located at Part of Lot 21, Con. 3, formerly in the Township of Saltfleet, now in the City of Stoney Creek.

13. OTHER BUSINESS.

/lm

- no appearances
- just read letter

5-22-86 OK for lot depth and Attn.

THE LAND DIVISION COMMITTEE MEETING HELD ON TUESDAY, AUGUST 5TH, 1986 AT 1:30 P.M., IN COMMITTEE ROOM "D", LOCATED ON THE 14TH FLOOR, OF THE ELLEN FAIRCLOUGH BUILDING, 119 KING STREET WEST, HAMILTON, ONTARIO.

M I N U T E S

MEMBERS PRESENT:	Mr. John Southall	- Chairman -
	Mr. Stan Jugovic	
	Mr. Norman Hamilton	
	Mr. William Powell	
	Mr. Don Ewen	
	Mr. J. Douglas Welland	
	Mr. Awrey Martin	
IN ATTENDANCE:	Mr. Carman E. Bisbee	- Secretary-Treasurer

MINUTES

It was moved by Mr. Don Ewen and seconded by Mr. J. Douglas Welland that the minutes from the meeting of July 8, 1986 be adopted.

CARRIED.

1. A-33-86 The application by George E. Robinson, 1319 Book Road West, R. R. #1, Jerseyville, Ontario.

Proposal: To convey a parcel of land measuring 132' x 165' for non-farm related rural residential purposes, and to retain a parcel of land measuring 132' x 165' for non-farm related rural residential purposes.

Appearances: Mr. and Mrs. George Robinson, Applicants.

Mr. and Mrs. George Robinson were sworn in by the Chairman.

The Secretary read the comments from the Regional Planning and Development Department indicating that this proposal conflicts with the following policies in the Hamilton-Wentworth Official Plan:

3.1.3 That the following criteria will be used as a guide for development in the Rural Policy Areas:

(e) Directing development to Rural Settlements and Urban Areas where practical; and,

6.2.1.1 Consents for non-farm uses and supporting or ancillary agricultural uses in the Rural Policy Area must comply with Section 3 of the Plan.

6.2.2.7 Consents for residential purposes in accordance with other policies of the Plan may be considered from viable farming operations provided that:

(a) The applicant has owned, resided on and actively farmed the property for the last 10 years;

(b) The remaining property, or for the retiring farmer, the conveyed property is a viable farming operation and not less than 18 hectares (approximately 45 acres) in size, unless the farm operation is of a specialized nature and is considered viable under Policy 15.2.12 of this Plan.

6.2.2.8 Consents considered under Policy 6.2.2.7 shall be limited to one of the following:

(a) One retirement lot for a bona fide farmer so long as the farmer retains a residential lot with the existing farm dwelling and continues to live therein and conveys the remaining lands; or the farmer retains a residential lot to build a retirement dwelling for himself, and conveys the farm including the existing farm dwelling.

(b) One lot to a child of a bona fide farmer so long as the child's assistance is essential to the farming operation as his or her principal activity, and no severance has been granted from the land within the last 10 years.

However, the applicant is encouraged to construct a second residence on the farm in accordance with regulations rather than severing a lot, in order to retain the land and the residence as an asset of the existing farm operation.

6.2.2.9 In addition to Policy 6.2.2.8, and subject to Policy 6.2.2.7, a severance may be considered for a surplus farmhouse created as a result of a farm consolidation under Policy 6.2.2.6, provided that no severances have been granted from the lands consolidated to the farm within the last three years, and the location of the proposed severance does not interfere with the farm operation.

The lands involved are within the "Rural Policy Areas" and identified as "Rural Area" in the Hamilton-Wentworth Official Plan.

cont'd.....

Amendment No. 17 to the Hamilton-Wentworth Official Plan makes provisions for severances in the rural areas for retirement lots for bona-fide farmers; a lot to a child of a bona-fide farmer whose assistance is essential to the farm operation; and a lot for a surplus farmhouse created as a result of a farm consolidation.

Conclusion:

Since this application does not qualify for a lot under the above provisions, the application should be refused.

A comment was read from the Town of Ancaster as follows:

Subject area designated "Agricultural" and outside the "Urban Area Boundary" in the Town's Official Plan.

The subject area is zoned "A" Agricultural in the Town's Zoning By-law (#1890). The parcel to be conveyed appears to conform to Section 8.A.3. The parcel to be retained may not conform to Section 8.A.2. and a minor variance may be required.

Application is slightly confusing. It appears the applicant is going to build a retirement home on the west parcel. The west parcel is to be retained and the east parcel to be severed then?

Section 4.1.6 of the Official Plan contains the Town's severance policies for the rural area where certain severances are permitted only in a farm-related situation. Since this is not a farm-related severance application (eg. applicant not a full-time farmer retiring from the operation or requiring help from a son or daughter) it therefore does not conform to the Town's Official Plan and should be denied.

A comment was read from the Regional Engineering Department advising that neither public watermains nor sanitary sewers are available to service the subject lands.

A comment was read from the Ministry of Agriculture and Food indicating that approval would not comply with the Food Land Guidelines and staff would not recommend approval for the reason that approval would create an incompatible non-farm use in an agricultural area.

A comment was read from the Grand River Conservation Authority with no objection.

Mr. Robinson reviewed the application and informed the Committee as follows:

1. He purchased this parcel under the Veteran's Land Act and he now finds that the size of the parcel is more than he can maintain.

2. The lands are not presently used for any agricultural purpose and he feels that there are other V.L.A. lots which have been severed and in his opinion, this proposal will not affect agriculture for the reason that it is not being used at present.

3. Mr. Robinson indicated that he has owned the lands for approximately 17 years.

The Committee explained the policies and informed Mr. Robinson that non-farm related lots are discouraged in the rural area.

Following discussion of this application, it was moved by Mr. Don Ewen and seconded by Mr. Norman Hamilton that the application for consent to convey a parcel having a frontage of 132' by a depth of 165', located at Part of lot 30, Concession 4, formerly in the Township of Ancaster, now in the Town of Ancaster be **DENIED** for the following reasons:

1. Does not comply with the Severance Policies of the Hamilton-Wentworth Official Plan.

cont'd.....

1. cont'd
A-33-86

2. Does not comply with the policies of the Hamilton-Wentworth Official Plan for the Rural Policy Areas.

3. Does not appear to be in the interest of proper planning and development for the area.

4. Does not appear to comply with the policies of the Province of Ontario (Food Land Guidelines).

CARRIED.
08/05/86

2. D-11-86

The application by John F. Mahony, 161 King Street West, Dundas, Ontario on behalf of S.K. Woods and L.T. Koike, 500 Green's Road, #606, Stoney Creek, Ontario.

Proposal: To convey a parcel of land measuring 28' x 100'± for residential purposes, and to retain a parcel of land measuring 19'± x 96'± for residential purposes, and to establish a 10'± x 47'± right-of-way for access purposes.

There were no appearances on behalf of this application.

MOVED BY: Mr. Norman Hamilton
SECONDED BY: Mr. Stan Jugovic

THAT the hearing in this application be **DEFERRED** in order that some representation can be made with regard to this application.

CARRIED.
08/05/86

3. F-73-86 The application by Bruce Branston, Box 150, Waterdown, Ontario on behalf of Gerald D. Binkley, R. R. #2, Waterdown, Ontario.

Proposal: To convey a parcel of land having a frontage of 1,220' and an area of 99.5 acres for agricultural purposes, and to retain a parcel of land measuring 100' x 200' for residential (retirement) purposes.

Appearances: Mr. Bruce Branston, Agent on behalf of the applicant.

Mr. Bruce Branston was sworn in by the Chairman.

The Secretary read the comments from the Regional Planning and Development Department indicating that this proposal conflicts with the following policies in the Hamilton-Wentworth Official Plan:

3.1.3 That the following criteria will be used as a guide for development in the Rural Policy Areas:

(e) Directing development to Rural Settlements and Urban Areas where practical; and,

6.2.1.1 Consents for non-farm uses and supporting or ancillary agricultural uses in the Rural Policy Area must comply with Section 3 of the Plan.

6.2.2.7 Consents for residential purposes in accordance with other policies of the Plan may be considered from viable farming operations provided that:

(a) The applicant has owned, resided on and actively farmed the property for the last 10 years;

It was further noted that the lands involved are located within the Rural Policy Areas in the Hamilton-Wentworth Official Plan and consist of Prime Agricultural Lands. The aerial photography indicates the lands are worked.

While the Hamilton-Wentworth Official Plan allows for the consideration of a retirement lot for a bona-fide farmer, the applicant must have lived on and farmed the property for the past 10 years. In the application, the applicant has stated that he neither lived on the property nor has he farmed for the last 7 years.

It is also stated that he owns an additional 37.8 acre property in the area and it is therefore questionable as to the need for this severance.

Conclusion:

The application conflicts with the intent and policies of the Hamilton-Wentworth Official Plan and should be denied.

A comment was read from the Town of Flamborough indicating that the lands are designated agricultural according to the Official Plan and are zoned Agricultural "A".

It was noted that the Town does not encourage the creation of residential lots in a rural area. Such development is intended to be directed to one of the recognized Settlement Areas situated throughout the Town. While staff question whether the applicant qualifies for a retirement lot, the Committee should be satisfied of this prior to considering approval of this application.

A comment was read from the Regional Engineering Department advising that neither public watermains nor sanitary sewers are available to service the subject lands.

A comment was received by telephone from the Regional Department of Health Services as follows:

The sub-surface conditions in the area of the proposed conveyance are unknown.

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Recommendation: Seven foot test holes will be required to be dug in the area of the proposed sewage disposal system. The proposed severance cannot be approved until this requirement has been satisfied and the sub-surface conditions found to be suitable.

A comment was read from the Ministry of Agriculture and Food indicating that approval would not comply with the Food Land Guidlines and Staff would not recommend approval for the following reasons:

1. If the application is approved, the future expansion of nearby farm(s) or the development of new livestock operations in the immediate vicinity may be restricted due to the proximity of non-farm uses.

2. Approval could contravene the minimum distance separation requirements as established by the Agricultural Code of Practice.

A livestock barn exists directly south of the proposed severance. Assuming 75 acres are workable, a distance separation of 562 feet is required.

Mr. Branston reviewed the application and informed the Committee as follows:

1. Mr. G. Binkley farmed four parcels of land and could only live on one parcel, therefore, he feels that the policy in the Official Plan which states that the applicant must have lived on and farmed the property for 10 years cannot be applicable when the farmer farms a number of separate parcels.

2. Mr. Binkley farmed the land for 17 years. The farms were located on lot 11 and lot 12, in Concession 4, in West Flamborough, with an additional 37 acre parcel and a 28 acre parcel in Millgrove where he lives.

3. The 28 acre parcel is more than he can now maintain and he wishes to sever the farm from a lot upon which he will construct a retirement home.

4. Mr. Binkley has never severed a lot, however, approximately 2 years ago, did sever the farm on lot 12 which was sold as a market garden farm.

5. Mr. Binkley is prepared to sign any type of document to the effect that he will not ask for any further lot severance.

6. There are a number of small residential lots in the area. Mr. Binkley felt that this proposal would not be out of keeping with the development in the area.

7. There is no intent to sell the lot being retained and it is intended that it will be used as a retirement lot.

In answer to a question from the Committee, Mr. Branston indicated that Mr. G. Binkley was, at one time, in the real estate business, but he is not in that business any longer. He farmed the lands for 17 years, however, the lands have been rented in recent years. They operated the farms as a dairy farm. He presently lives on a 28 acre parcel in Millgrove. He never lived on the farm which is the subject of this application. There are two existing houses on the subject farm which are both rented.

Following discussion of this application, it was moved by Mr. William Powell and seconded by Mr. Don Ewen that the application for consent to convey a parcel having a frontage of 1,220' and having an area of 99.5 acres, located at Part of lot 11, Concession 4, formerly in the Township of West Flamborough, now in the Town of Flamborough be **DENIED** for the following reasons:

1. Does not comply with the Severance Policies of the Hamilton-Wentworth Official Plan.

2. Does not comply with the policies of the Hamilton-Wentworth Official Plan for the Rural Policy Areas.

3. Does not appear to be in the interest of proper planning and development for the area.

4. Does not appear to comply with the policies of the Province of Ontario (Food Land Guidelines).

CARRIED.
08/05/86

4. F-74-86 The application by Johnson, Ramsbottom and Castle, 11 Sydenham Street, P.O. Box 8180, Dundas, Ontario on behalf of Reg Garth Doel and James Skarratt, R. R. #1, Lynden, Ontario.

Proposal: To convey a parcel of land measuring 100' x 200' for residential purposes, and to retain a parcel of land having an area of 77 acres for agricultural purposes.

Appearances: Mr. J. Skarratt, Applicant,

Mr. David Ramsbottom, Solicitor on behalf of the applicants.

Mr. J. Skarratt was sworn in by the Chairman.

The Secretary read the comments from the Regional Planning and Development Department indicating that this proposal conflicts with the following policies in the Hamilton-Wentworth Official Plan:

3.1.3 That the following criteria will be used as a guide for development in the Rural Policy Areas:

(e) Directing development to Rural Settlements and Urban Areas where practical; and,

6.2.1.1 Consents for non-farm uses and supporting or ancillary agricultural uses in the Rural Policy Area must comply with Section 3 of the Plan.

6.2.2.7 Consents for residential purposes in accordance with other policies of the Plan may be considered from viable farming operations provided that:

(a) The applicant has owned, resided on and actively farmed the property for the last 10 years;

(b) The remaining property, or for the retiring farmer, the conveyed property is a viable farming operation and not less than 18 hectares (approximately 45 acres) in size, unless the farm operation is of a specialized nature and is considered viable under Policy 15.2.12 of this Plan.

6.2.2.8 Consents considered under Policy 6.2.2.7 shall be limited to one of the following:

(a) One retirement lot for a bona fide farmer so long as the farmer retains a residential lot with the existing farm dwelling and continues to live therein and conveys the remaining lands; or the farmer retains a residential lot to build a retirement dwelling for himself, and conveys the farm including the existing farm dwelling.

(b) One lot to a child of a bona fide farmer so long as the child's assistance is essential to the farming operation as his or her principal activity, and no severance has been granted from the land within the last 10 years.

However, the applicant is encouraged to construct a second residence on the farm in accordance with regulations rather than severing a lot, in order to retain the land and the residence as an asset of the existing farm operation.

The proposal conflicts with the Town of Flamborough Official Plan.

It was noted that the lands involved in the application are located within the "Rural Policy Areas" and consist of Prime Agricultural Lands. The aerial photography indicates that the rear lands are worked.

Retirement lots are considered only for bona-fide farmers who have actively farmed a viable farm for at least 10 years. The applicant intends to retire from his present job to start full-time farming. Further, since the full-time

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farming operation is just being started, it cannot be determined that the son's help is essential in the farming operation and therefore he would not qualify for a lot.

It is noted that the applicants applied for a severance off of the property in 1974 which was refused and a subsequent appeal was denied by the Ontario Municipal Board.

Conclusion:

The application conflicts with both the intent and policies of the Hamilton-Wentworth Official Plan and should be denied.

A comment was read from the Town of Flamborough indicating that the lands are designated Agricultural according to the Official Plan and are zoned Agricultural "A".

The Town does not encourage the creation of residential lots in a rural area. Such development is intended to be directed to one of the recognized Settlement Areas situated throughout the Town. Staff also question the necessity of this application. Should a residence be required to accommodate farm help, staff suggest that the applicant approach the municipality with respect to constructing a second residence (for farm help purposes) on the existing parcel of land. In addition, staff question whether the applicant would qualify for a retirement lot, since he will only become a full time farmer this year.

Approval of this application will create a by-law conflict with respect to the frontage of the retained parcel. The Agricultural "A" zoning category of By-law No. 72-22-B-Z requires parcels to exist with 500 feet of continuous road frontage.

A comment was read from the Regional Engineering Department advising that neither public watermains nor sanitary sewers are available to service the subject lands.

A comment was read from the Regional Department of Health Services indicating no objection to this severance as there is an existing house on the property.

A comment was read from the Ministry of Agriculture and Food indicating that approval would not comply with the Food Land Guidelines and staff would not recommend approval for the following reasons:

1. Approval would create an incompatible non-farm use in an agricultural area.

2. If the application is approved, the future expansion of nearby farm(s) or the development of new livestock operations in the immediate vicinity may be restricted due to the proximity of non-farm uses.

3. Approval could contravene the minimum distance separation requirements as established by the Agricultural Code of Practice.

A comment was read from the Grand River Conservation Authority as follows:

A portion of the retained parcel contains a tributary of Fairchild Creek and the associated valleylands.

The Grand River Conservation Authority's Fill, Construction and Alteration to Waterways Regulations (Ontario Regulation 154/86) prohibits the placement of fill, construction of structures, alteration of a watercourse or other alteration adjacent to a pond, swamp, watercourse, or in any area subject to flooding during a "Regional Storm" prior to receiving written consent of the Grand River Conservation Authority.

This Authority has no objection to the proposed severance. However, please be advised that any construction or other alteration in or adjacent to the watercourse on the retained parcel will require the prior written approval of the Grand River Conservation Authority.

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Mr. Ramsbottom reviewed the application and informed the Committee as follows:

1. It would appear from the comments that the question is whether the owners are to become farmers. Mr. Ramsbottom indicated that the applicants plan to sever the subject lot which contains an existing house and to construct an additional home on the lands being retained in order to make this farming operation more viable.

2. Mr. Ramsbottom indicated that it is their feeling that two homes on one farm is not practical for the reason that if the farm fails, then both houses are lost.

3. The applicants feel that if they can both live on the farm that the farming operation can be made a more viable one.

4. The applicants have been forced to maintain jobs off the farm in order to subsidize the farm operation.

In answer to a question from the Committee, Mr. Skarratt indicated that lots which were taken from the farm had been taken prior to their purchase of the land. They have owned the land for 12 years and have been farming the land since that time. They have always had to maintain jobs off the farm to subsidize the farm operation.

Mr. Skarratt further indicated that they have attempted to grow corn and other cash crops and found that that type of farming is not practical. They now propose to grow Christmas trees, planting a new crop each year. It takes approximately 7 years to obtain a crop of trees and they feel that by planting trees every year that, in 7 years, they will make a profit. In the meantime, they must also work to subsidize the farm.

Mr. Skarratt indicated that they would be planting 7,000 to 8,000 trees every year.

His employment involves the operation of Skarratt Promotions, promoting shows and various functions in the City of Hamilton.

Following discussion of this application, it was moved by Mr. Stan Jugovic and seconded by Mr. Awrey Martin that the application for consent to convey a parcel having a frontage of 100' by a depth of 200', and to retain a parcel having an area of 77 acres, located at Part of lot 10, Concession 2, formerly in the Township of Beverly, now in the Town of Flamborough be **DENIED** for the following reasons:

1. Does not comply with the policies of the Hamilton-Wentworth Official Plan for the Rural Policy Areas.

2. Does not appear to be in the interest of proper planning and development for the area.

3. Does not appear to comply with the policies of the Province of Ontario (Food Land Guidelines).

CARRIED.
08/05/86

5. F-75-86 The application by Steve Moir, Re/Max Advantage Realty Inc., 875 Main Street West, Hamilton, Ontario on behalf of Gregg S. and Wilma R. Doyle, 7 Railway Street, Box 121, Copetown, Ontario.

Proposal: To convey a parcel of land having a frontage of 99.39', and an area of 29,087 square feet for residential purposes, and to retain a parcel of land measuring 150' x 134.19' for residential purposes.

Appearances: Mr. Steve Moir, Agent on behalf of the applicant,

Mrs. Wilma Doyle, Applicant.

Mr. Steve Moir was sworn in by the Chairman.

The Secretary read the comments from the Regional Planning and Development Department indicating that this proposal conflicts with policies in the Hamilton-Wentworth Official Plan.

It was noted that the lands involved are located within the Copetown Rural Settlement. The Settlement Capability Study for Copetown, which was adopted by Regional Council on May 31, 1983, recommends a minimum lot size of 0.7 acres (30,492 sq. ft.), if a deep aquifor is available and also requires an approved soils investigation report for all proposed development.

Conclusion:

Until such time as the applicant is prepared to submit the required soils investigation report, the application is considered premature and should be denied.

A comment was read from the Town of Flamborough indicating that the lands are designated Village Residential and are zoned "Existing Residential".

The subject property is situated within the Copetown Settlement Area and, therefore, approval of this application would not conflict with the Official Plan.

Also, while the proposal appears to comply with the infilling criteria of the Regional Official Plan, Map No. 5 of the Plan (Generalized Septic Disposal Suitability Areas) identifies these parcels to be within an area requiring a minimum of 1.25 acres.

A comment was read from the Regional Engineering Department as follows:

Please be advised that neither public watermains nor sanitary sewers are available to service the subject lands.

The designated road allowance width of Governors Road is 36.58m (120 feet). As a condition of approval, we recommend that sufficient lands be dedicated to the Region for road widening purposes. This will establish the property line 18.29m (60 feet) from the centre line of construction as shown on Plan P-3213-67 adjacent to the lands to be severed.

Any works within the Governors Road road allowance as widened must conform to the Region of Hamilton-Wentworth Roads Use By-law.

Any new access or change in access to Governors Road requires an Access Permit from this office.

Prior to the issuance of a Building Permit, the applicant owner requires a Building Line Permit from this office.

A comment was read from the Ministry of Agriculture and Food indicating that the proposal would have little or no impact on agriculture.

Comments were read from the Grand River Conservation Authority and the Niagara Escarpment Commission with no objection.

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Mr. Moir reviewed the application and informed the Committee as follows:

1. It is the wish to the applicant to sever the subject parcel to be sold for the construction of a single family dwelling.

2. The area is designated within the Settlement Area of Copetown and several other lots have been created recently in the area.

The Committee noted that the comments from the Regional Planning Department suggested that a soils investigation report would be necessary to determine if the lots can provide sufficient area for both a septic system and a well and suggested that the requested report should be obtained prior to the decision being made in this application.

Mr. Moir stated that the applicant has access to fill if this would have any effect on the decision and he indicated that they would have no objection to the requested deferral.

Following discussion, it was moved by Mr. Michael Hill and seconded by Mr. J. Douglas Welland that the hearing in this application be **DEFERRED** until the applicant has submitted a soils investigation report.

CARRIED.
08/05/86

6. G-27-86 The application by William E. Kosar, 300-1030 Upper James Street, Hamilton, Ontario on behalf of Alzira Marques, 533 Miles Road, Hannon, Ontario.

Proposal: To convey a parcel of land measuring 107' x 187' for non-farm related rural residential purposes, and to retain a parcel of land having a frontage of 438', and an area of 9.5 acres± for agricultural purposes.

Appearances: Mr. Wm. Kosar Jr., Solicitor on behalf of the applicant.

The Secretary explained that he had received a letter requesting that this application be amended to convey a parcel with a frontage of 120' by a depth of 187', providing an area of 22,440 square feet. The retained parcel would have a frontage of 425', with an area of 9.5 acres.

The Secretary read the comments from the Regional Planning and Development Department indicating that this proposal conflicts with the following policies in the Hamilton-Wentworth Official Plan:

3.1.3 That the following criteria will be used as a guide for development in the Rural Policy Areas:

(e) Directing development to Rural Settlements and Urban Areas where practical; and,

6.2.1.1 Consents for non-farm uses and supporting or ancillary agricultural uses in the Rural Policy Area must comply with Section 3 of the Plan.

6.2.2.7 Consents for residential purposes in accordance with other policies of the Plan may be considered from viable farming operations provided that:

(a) The applicant has owned, resided on and actively farmed the property for the last 10 years;

(b) The remaining property, or for the retiring farmer, the conveyed property is a viable farming operation and not less than 18 hectares (approximately 45 acres) in size, unless the farm operation is of a specialized nature and is considered viable under Policy 15.2.12 of this Plan.

6.2.2.8 Consents considered under Policy 6.2.2.7 shall be limited to one of the following:

(a) One retirement lot for a bona fide farmer so long as the farmer retains a residential lot with the existing farm dwelling and continues to live therein and conveys the remaining lands; or the farmer retains a residential lot to build a retirement dwelling for himself, and conveys the farm including the existing farm dwelling.

(b) One lot to a child of a bona fide farmer so long as the child's assistance is essential to the farming operation as his or her principal activity, and no severance has been granted from the land within the last 10 years.

However, the applicant is encouraged to construct a second residence on the farm in accordance with regulations rather than severing a lot, in order to retain the land and the residence as an asset of the existing farm operation.

The lands involved are located within the "Rural Policy Areas" of the Hamilton-Wentworth Official Plan and consist of Prime Agricultural Lands. The aerial photography indicates the lands are worked.

Numerous policies in the Hamilton-Wentworth Official Plan discourage the creation of non-farm rural residential lots in the rural area and direct such development to rural settlements or urban areas.

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The applicant is not a farmer nor can the parcel be considered a viable farm. The applicant does not indicate the purpose of the application and it must be assumed that it is strictly for financial reasons.

Conclusion:

The application conflicts with both the intent and policies of the Hamilton-Wentworth Official Plan and should be denied.

A comment was read from the Township of Glanbrook as follows:

The lands subject to this severance application are designated "Agricultural" in the new Township of Glanbrook Official Plan. In this regard, the proposed severance appears to be non-farm related, and although the policies in the new Township Official Plan regarding severances in the "Agricultural" area provide for some non-farm severances therein, this proposed non-farm severance would not appear to satisfy any of these policies.

We would also advise that the lands subject to this application are zoned in the Agricultural "A" Zone in the existing Township Zoning By-law No. 1078. In this regard, the subject proposed severed lands just satisfy the minimum lot frontage (100 ft.) and minimum lot area (20,000 sq. ft.) zoning regulations for a non-farm residential lot in the Agricultural "A" zone. We would note, however, that the proposed lands to be retained do not satisfy either the minimum lot frontage (600 ft.) or the minimun lot area (10 acres) zoning regulations for agricultural uses.

A comment was read from the Regional Engineering Department advising that public watermains are available to service the subject lands, however, sanitary sewers have not been installed in this area.

A comment was read as received by telephone from the Regional Department of Health Services indicating that there is a single family residence on this proposed conveyance with its own inground sewage system and regional water. The retained parcel is farmed.

It was noted that the Official Plan calls for 1.25 acres in this area.

A comment was read from the Ministry of Agriculture and Food advising that approval would not comply with the Food Land Guidelines and staff would not recommend approval for the following reasons:

1. Approval would create an incompatible non-farm use in an agricultural area.

2. The proposed severance is located on land designated Class 1, 2, 3 or 4 as described in the Canada Land Inventory.

A comment was read from the Niagara Escarpment Commission with no objection.

Mr. Kosar reviewed the application and informed the Committee as follows:

1. His client's existing house on the parcel proposed to be conveyed is too small for their growing family and they would like to sell their existing home and construct a new home on the lands being retained.

2. They would have no objection to dedicating any road allowance widening and will meet all conditions required by the Region and the Local Municipality.

3. Mr. Kosar noted that the comment from the Health Unit indicated that the lot requirements in this area are 1.25 acres and they would be willing to comply with the Official Plan.

4. Mr. Kosar felt that this is an infilling situation as there are a number of homes constructed across the road from the subject lands.

The Committee noted that they had not dealt with Mr. Kosar's request to amend the application and further noted that a parcel with 1.25 acres, with only a 187' depth would be in excess of 200' frontage and felt that such a lot size might encourage further applications for severance.

cont'd.....

Mr. Kosar indicated that he would request the Committee to amend the application as set out in his letter dated July 25, 1986.

MOVED BY: Mr. Wm. Powell
SECONDED BY: Mr. Awrey Martin

That the application be amended to show the subject parcel with a frontage of 120' by a depth of 187', with an area of 22,440 square feet.

CARRIED.

Mr. Kosar further indicated that he is willing to do whatever is necessary to comply with the requirements of the Township of Glanbrook.

Following discussion, it was oved by Mr. Awrey Martin and seconded by Mr. Stan Jugovic that the application, **AS AMENDED**, for consent to convey a parcel having a frontage of 120' by a depth of 187', located at Part of lot 11, Concession 2, formerly in the Township of Glanford, now in the Township of Glanbrook be **DENIED** for the following reasons:

1. Does not comply with the Severance Policies of the Hamilton-Wentworth Official Plan.

2. Does not comply with the policies of the Hamilton-Wentworth Official Plan for the Rural Policy Areas.

3. Does not appear to be in the interest of proper planning and development for the area.

4. Does not appear to comply with the policies of the Province of Ontario (Food Land Guidelines).

5. Does not comply with the requirements of the Zoning By-law.

CARRIED.
08/05/86

7. G-28-86 The application by Arthur French, Chairman, Maggie Johnson Heritage Foundation, P.O. Box 85, Binbrook, Ontario on behalf of Mrs. Leora Johnston, 2174 Nebo Road, Mount Hope, Ontario.

Proposal: To convey a parcel of land having a frontage of 190', and an area of 2.93 acres to be used for a historical museum and to retain a 54.03 acre parcel of land for residential purposes.

There were no appearances on behalf of this application.

The Secretary advised that the applicant's agent, Mr. Arthur French, had requested that this application be deferred until the matter can be considered by the Glanbrook Council.

MOVED BY: Mr. Don Ewen
SECONDED BY: Mr. Stan Jugovic

THAT the application be **DEFERRED** as requested.

CARRIED.
08/05/86

8. H-106-86
H-107-86

The application by G. Ian Stout, 360 Mountain Brow Blvd., Hamilton, Ontario on behalf of Jaime Investments Inc., 55 Rymal Road East, Hamilton, Ontario.

H-108-86

The application by G. Ian Stout on behalf of H. & H. Holdings Inc., 55 Rymal Road East, Hamilton, Ontario.

Proposal: (H-106-86)	To convey an irregular shaped parcel of land having a frontage of 19.03' and a lot area of 1,846 sq. ft. for residential purposes, and to retain a parcel of land having a frontage of 13.77' and a lot area of 1,112 sq. ft. for residential purposes.
(H-107-86)	To convey an irregular shaped parcel of land having a frontage of 13.83' and a lot area of 1,200 sq. ft. for residential purposes, and to retain a parcel of land having a frontage of 17.70' and a lot area of 1,360 sq. ft. for residential purposes.
(H-108-86)	To convey a parcel of land measuring 14.90' x 69.07' for residential purposes, and to retain two parcels of land, one measuring 17.78' x 69.07', the other 15.10' x 69.07' for residential purposes.
Appearances:	Mr. G. Ian Stout, Agent on behalf of the applicants.

The Secretary noted that a copy of Bill 11, an act respecting the protection of rental housing, was received in the office on July 28, 1986, which would appear to restrict the Land Division Committee's authority in dealing with applications where more than four rental units are involved.

The Secretary explained that he had been on holidays and returned to work today to find this information. He explained that he had attempted to contact the Regional Solicitor, Ray Plant, who is on holidays for one month. Tim Leblovic, the second in command, is also on holidays this week. Mr. Lee Pinelli was asked for an opinion and he indicated that he could not give an opinion as he was not familiar with real estate transactions.

The Secretary indicated that he had attempted to contact Mr. Rouff, the City Solicitor, and was able to speak to a Mr. Hooker, who is a solicitor within that department, and who was also unable to make any comment with regard to this new bill.

The Secretary indicated that in his opinion, the Land Division Committee could not deal with any application for land severance where the buildings involved contained more than four rental units.

He felt that these applications should be deferred in order that clarification can be obtained from the Region's Legal Department.

MOVED BY: - Mr. J. Douglas Welland
SECONDED BY: Mr. Stan Jugovic

THAT these applications be **DEFERRED** for clarification of the new legislation.

CARRIED.
08/05/86

9. H-109-86 The application by Edwin W. Adler, 135 James Street South, Suite 1025, Hamilton, Ontario on behalf of Shelle R. Ramharrack, 84 Locke Street North, Hamilton, Ontario.

Proposal: To convey a parcel of land measuring 35.42' x 64.33' which is occupied by a 4-unit dwelling, and to retain a parcel of land measuring 44.42' x 64.33' which is also occupied by a 4-unit dwelling.

Appearances: Mr. Shelle Ramharrack, Applicant.

Mr. Shelle Ramharrack was sworn in by the Chairman.

The Committee explained the new Bill 11 and indicated that they could not proceed with this hearing until some clarification is received from the Legal Department.

MOVED BY: Mr. Stan Jugovic
SECONDED BY: Mr. J. Douglas Welland

THAT the hearing in this application be **DEFERRED** until clarification is received from the Regional Solicitor's Department as to the authority of the Committee to deal with this application.

CARRIED.
08/05/86

10. S-58-86 The application by Mike Rubenstein, 242 James Street South, Hamilton, Ontario on behalf of Steve and Dorothy Pokolic, 246 King Street East, Stoney Creek, Ontario.

Proposal: To convey a parcel of land measuring 50' x 22.9' to be added to an adjoining property for residential purposes, and to retain a parcel of land measuring 50' x 277.6' for residential purposes.

Appearances: Mr. Steve Pokolic, Applicant.

Mr. Steve Pokolic was sworn in by the Chairman.

The Secretary read the comments from the Regional Planning and Development Department indicating that this proposal does not conflict with the Hamilton-Wentworth Official Plan.

It was noted that the lands involved are within the "Urban Policy Areas" and identified as "Existing Development" in the Hamilton-Wentworth Official Plan.

Since the severed parcel is being added to an adjoining property and no new developable lots are being created, the proposal would not conflict with the intent of the Hamilton-Wentworth Official Plan.

A comment was read from the City of Stoney Creek advising that this proposal conforms with the Official Plan and Zoning By-laws.

The comment indicated no objection to the application subject to the following conditions:

1. That the lands to be conveyed be registered in the same name and title as the lands to which they are to be added;

2. That the applicant satisfy all requirements financial and otherwise, of the City of Stoney Creek; and

3. That a copy of a final surveyor's plan be forwarded to the City of Stoney Creek.

A comment was read from the Regional Engineering Department advising that public watermains as well as sanitary sewers are available to service the subject lands.

A comment was read from the Regional Department of Health Services indicating no objection provided the existing dwelling on the retained lot is connected to the available municipal services.

A comment was read from the Niagara Escarpment Commission with no objection provided the subject parcel is conveyed to the abutting property and held in common title.

Mr. Pokolic reviewed the application and informed the Committee as follows:

1. The parcel to be severed is to be added to an adjoining lot and will be used for gardening purposes.

In answer to a question from the Committee, Mr. Pokolic indicated that the existing house on the lot is connected to the sanitary sewer.

Following discussion of this application, it was moved by Mr. Norman Hamilton and seconded by Mr. Stan Jugovic that the application for consent to convey a parcel having a width of 7m by a depth of 15.24m, located at Part of lot 21, Concession 3, formerly in the Township of Saltfleet, now in the City of Stoney Creek be **APPROVED** for the following reasons:

1. Complies with the intent of the Official Plan.

2. Complies with the Zoning By-law requirements.

3. The Committee considers the proposal to be in keeping with development in the district.

cont'd.....

The Consent granted being subject to the following conditions:

1. That the owner satisfy all requirements, financial and otherwise, of the City of Stoney Creek.

2. That an Ontario Land Surveyor's plan of the subject parcel be submitted to the Land Division Committee office.

3. That the subject parcel be registered in the same name and title as the lands to which it is to be joined. Subsection 3 of Section 49 of The Planning Act, 1983, shall apply to any subsequent conveyance or transaction of the lands.

4. The above conditions to be fulfilled within one (1) year from the date of notice of this decision or the consent is refused.

CARRIED.
08/05/86

11. S-29-86 The application by Ratko Tesla, 252 Millen Road, Stoney Creek, Ontario on behalf of William and Eileen Heinbecker, 112 Homeside Avenue, Stoney Creek, Ontario.

S-30-86 The application by Ratko Tesla, 252 Millen Road, Stoney Creek, Ontario.

Proposal: (S-29-86)	To convey a parcel of land measuring 5' x 250' to be added to adjoining lands for residential purposes, and to retain a parcel of land measuring 55' x 250' for residential purposes.
(S-30-86)	To convey a parcel of land measuring 43.5' x 150' for residential purposes, and to retain a parcel of land measuring 50' x 466' for residential purposes.
Appearances:	Mr. Ratko Tesla, One of the applicants.

These applications were heard simultaneously.

The Secretary indicated that these applications were deferred from the meeting of March 18, 1986 in order that the applicant could make application to the City of Stoney Creek's Committee of Adjustment regarding the proposed lot to be created in application S-30-86.

A copy of the Committee of Adjustment decision had been received, indicating that the application had been approved.

The Secretary noted that the last date of appeal to the Committee of Adjustment decision was June 13, 1986.

It was noted that a parcel of land on Homeside Avenue must be dedicated for roadway purposes and the applicant indicated that he would have no objection to meeting all conditions of the City of Stoney Creek.

Following discussion, it was moved by Mr. Norman Hamilton and seconded by Mr. Don Ewen that application S-29-86 for consent to convey a parcel of land having a frontage of 5' by a depth of 250', located at Part of lot 18, Concession 3, formerly in the Township of Saltfleet, now in the City of Stoney Creek be **APPROVED** for the following reasons:

1. Complies with the intent of the Official Plan.

2. The Committee considers the proposal to be in keeping with development in the district.

The Consent granted in application S-29-86 being subject to the following conditions:

1. That the owner satisfy all requirements, financial and otherwise, of the City of Stoney Creek.

2. That the owner dedicate to the City of Stoney Creek sufficient land, in fee simple, free and clear of all encumbrances and restrictions, for roadway purposes as requested by the City Engineer.

3. That an Ontario Land Surveyor's plan of the subject parcel be submitted to the Land Division Committee office.

4. That the subject parcel be registered in the same name and title as the lands to which it is to be joined. Subsection 3 of Section 49 of The Planning Act, 1983, shall apply to any subsequent conveyance or transaction of the lands.

5. The above conditions to be fulfilled within one (1) year from the date of notice of this decision or the consent is refused.

CARRIED.

MOVED BY: Mr. Norman Hamilton
SECONDED BY: Mr. Don Ewen

cont'd.....

That application S-30-86 for consent to convey a parcel of land having a frontage of 43.5' by a depth of 150', located at Part of lot 18, Concession 3, formerly in the Township of Saltfleet, now in the City of Stoney Creek be **APPROVED** for the following reasons:

1. Complies with the intent of the Official Plan.

2. Complies with the Zoning By-law requirements.

3. The Committee considers the proposal to be in keeping with development in the district.

The Consent granted in application S-30-86 being subject to the following conditions:

1. That the owner satisfy all requirements, financial and otherwise, of the City of Stoney Creek.

2. That the owner satisfy the Capital Lot Levy of the Regional Municipality of Hamilton-Wentworth, the amount of which is $510.00 payable to the Regional Department of Finance.

3. That the owner dedicate to the City of Stoney Creek sufficient land, in fee simple, free and clear of all encumbrances and restrictions, for roadway purposes as requested by the City Engineer.

4. That an Ontario Land Surveyor's plan of the subject parcel be submitted to the Land Division Committee office.

5. The above conditions to be fulfilled within one (1) year from the date of notice of this decision or the consent is refused.

CARRIED.
08/05/86

12. F-68-86 The application by George Lammers, c/o Com-Can Realty Corporation, Suite 204, 252 James Street South, Hamilton, Ontario on behalf of Cliff and Diane Cote, R. R. #1, Millgrove, Ontario.

Proposal: To convey a 1.89 acre parcel of land for non-farm residential purposes, and to retain a parcel of land having an area of 3.11 acres for non-farm residential purposes.

There were no appearances on behalf of this application.

The Secretary explained that this application was deferred from the meeting of July 15, 1986, in order to receive clarification with regard to the Region's Official Plan "Infilling Policy".

The Committee wondered whether the gas easement which passes through the applicant's holding had any relevance to the infilling policies.

The Secretary read a memo received from Mr. Steve Miazga indicating that the gas line easement does not have any relevance to the infilling policies and, therefore, does not affect this application. Therefore, this application could not be considered as "Infilling".

Following discussion of this application, it was moved by Mr. William Powell and seconded by Mr. Awrey Martin that the application for consent to convey a parcel having a frontage of 125' by a depth of 660', located at Part of lot 12, Concession 6, formerly in the Township of East Flamborough, now in the Town of Flamborough be **DENIED** for the following reasons:

1. Does not comply with the Severance Policies of the Hamilton-Wentworth Official Plan.

2. Does not comply with the policies of the Hamilton-Wentworth Official Plan for the Rural Policy Areas.

3. Does not apepar to be in the interest of proper planning and development for the area.

4. Does not appear to comply with the policies of the Province of Ontario (Food Land Guidelines).

CARRIED.
08/05/86

OTHER BUSINESS

SUBJECT: Applications S-22-86 to S-26-86

The Secretary explained that a letter had been received from Mr. Sam DeMarchi regarding the lot depth approved by the Land Division Committee.

The Committee had approved an application showing a lot depth of 32m, however, when the Planning Committee of the City of Stoney Creek dealt with the zoning matter, a plan was used showing the depth of the lots as being 33.640m.

The applicant is asking that the Committee approve the use of the new plan showing the new lot depth.

Following discussion, it was moved by Mr. Norman Hamilton and seconded by Mr. Stan Jugovic that the new plan showing the lot depth at 33.640m be used in these applications.

CARRIED.
08/05/86

There being no other business, the Meeting adjourned at 4:00 p.m.

Carman E. Bisbee,
Secretary-Treasurer.

John M. Southall,
Chairman.

/cc

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

LAND DIVISION COMMITTEE
Planning and Development Department
P.O. Box 910, Hamilton, Ontario L8N 3V9

Refer to File No.
Attention of
Your File No.

July 25, 1986

AGENDA

There will be a meeting of the Land Division Committee on Tuesday, August 12, 1986, at 1:30 p.m., in Committee Room 'D', on the 14th Floor, of the Ellen Fairclough Building, 119 King Street West, Hamilton, Ontario.
Your presence is respectfully requested.

The applications to be heard are as follows:

1. File No: F-76-86
1:30 p.m.

The application by Gordon P. Maxwell on behalf of Stanley Kachur for consent to convey a parcel of land to be added to an adjoining parcel for a building lot, located at Part of Lot 9, Con. 6, formerly in the Township of East Flamborough, now in the Town of Flamborough.

2. File No: F-77-86
1:40 p.m.

The application by James A. Sweetlove of Ross & McBride on behalf of Joseph and Leokadjia Svidenis for consent to convey a parcel of land for residential purposes, located at Part of Lot 14, Con. 6, formerly in the Township of West Flamborough, now in the Town of Flamborough.

3. File No: F-78-86
1:50 p.m.

The application by Alfred R. Saccomano for consent to convey a parcel of land for residential purposes, located at Part of Lots 20 and 21, Con. 6, formerly in the Township of Beverly, now in the Town of Flamborough.

4. File No: H-110-86
2:00 p.m.

The application by James A. Bridle on behalf of Roger Owen Abbiss for consent to convey a parcel of land for residential purposes (correction of title), located at Part of Lots 22 & 23, R.P. No. 244, in the City of Hamilton.

5. File No: H-111-86
2:10 p.m.

The application by Peter and Margaret Selinger for consent to convey a parcel of land for a building lot, located at Part of Lot 8, Con. 8, and Lot 28, R.P. No. 853, formerly in the Township of Barton, now in the City of Hamilton.

cont'd.....

THE LAND DIVISION COMMITTEE MEETING HELD ON TUESDAY, AUGUST 12, 1986 AT 1:30 P.M., IN COMMITTEE ROOM "D" ON THE 14TH FLOOR OF THE ELLEN FAIRCLOUGH BUILDING, 119 KING STREET WEST, HAMILTON, ONTARIO.

M I N U T E S

MEMBERS PRESENT:	John M. Southall	- Chairman -
	Don Ewen	
	Norman Hamilton	
	Stan Jugovic	
	William Powell	
	J. Douglas Welland	
IN ATTENDANCE:	Carman E. Bisbee	- Secretary - Treasurer

MINUTES

It was moved by Don Ewen and seconded by Stan Jugovic that the minutes from the meeting of July 15, 1986 be adopted.

CARRIED.

1. F-76-86 The application by Gordon P. Maxwell, c/o Maxell & Rinne, 191 Woolwich Street, P.O. Box 1810, Guelph, Ontario on behalf of Stanley Kachur, 100 Woodlawn Road East, Guelph, Ontario.

Proposal: To convey a parcel having a width of 200' by a depth of 110' for residential purposes and to retain a parcel having a frontage of 227' by a depth of 300' for storage and warehousing purposes.

Appearances: Mr. G. Maxwell, Solicitor on behalf of the Applicant.

Mr. Stanley Kachur, Applicant.

Secretary read comments from the Regional Planning and Development Department indicating that this proposal does not conflict with the Hamilton-Wentworth Official Plan.

The lands involved are located within the "Rural Policy Areas" of the Hamilton-Wentworth Official Plan in an area of strip development.

Since a new lot is not being created, the application does not conflict with the intent of the Hamilton-Wentworth Official Plan.

Conclusion:

If approved, the lands being conveyed should be registered in the same name and title as those lands to which they are being added.

Comment was read from the Town of Flamborough advising that the subject lands are designated Agricultural according to the Official Plan and are zoned Agricultural 'A'.

Staff question whether the lot to which this parcel is being added exists. Said lot was coniditionally approved by the Land Division Committee (ie. File No. F-64-85), however, the Town does not have knowledge of conditions being satisfied or the lot being registered.

Notwithstanding the above, the Town has no objections to the subject application provided the following takes place:

- that Application F-64-85 is finalized;
- that the subject parcel of land be registered under the same name and title as the lot subject of F-64-85

Comment was read from the Regional Engineering Department advising that neither public watermains nor sanitary sewers are available to service the subject lands.

Comment was read from the Regional Department of Health Services as follows:

Diagram submitted by applicant indicates that the existing sewage disposal systems serving the buildings on the lands to be retained are fully contained within the proposed new lot lines. The subject land would be suitable for the installation of a sub-surface sewage disposal system to serve a single family dwelling. Prior to any construction, a Certificate of Approval must be obtained from this office for the installation of the septic system.

Recommendations:

Approved subject to the above.

Comment was read from the Ministry of Agriculture and Food indicating approval of this proposal would comply with the Foodland Guidelines.

Mr. Maxwell reviewed the application and informed the Committee as follows:

1. This application is to obtain consent to sever a parcel which will be attached to a lot approved by the Land Division Committee in October of 1985.

cont'd.....

2. Conditions in that file have not been met as yet and both parcels are to be conveyed to the same purchaser.

3. They have no objections to conditions as suggested by the various agencies being attached to the Committee's consent.

Following discussion, it was moved by Stan Jugovic and seconded by J. Douglas Welland that this application for consent to convey a parcel having a width of 200' by a depth of 110', located at Part of Lot 9, Con. 6, formerly in the Township of East Flamborough, now in the Town of Flamborough be **APPROVED** for the following reasons:

1. Complies with the intent of the Official Plan.

2. The Committee considers the proposal to be in keeping with development in the district.

The Consent granted being subject to the following conditions:

1. That the owner satisfy all requirements, financial and otherwise, of the Town of Flamborough.

2. That an Ontario Land Surveyor's plan of the subject parcel be submitted to the Land Division Committee office.

3. That the subject parcel be registered in the same name and title as the lands to which it is to be joined. Subsection 3 of Section 49 of The Planning Act, 1983, shall apply to any subsequent conveyance or transaction of the lands.

4. That application F-64-85 be finalized.

5. The above conditions to be fulfilled within one (1) year from the date of notice of this decision or the consent is refused.

CARRIED.
08/12/86

2. F-77-86 The application by Ross & McBride, 1 James Street South, P.O. Box 907, Hamilton, Ontario on behalf of Joseph and Leokadjia Svidenis, 566 Safari Road, Flamborough, Ontario.

Proposal: To convey a parcel having a frontage of 15' irregular in shape and having an area of 28,656.75 sq. ft. for residential purposes and to retain a parcel having a frontage of 105' and an area of 32,596.75 sq. ft. also for residential purposes.

Appearances: Mr. John Hall, Solicitor on behalf of the Applicant.

Janine Radjija, Daughter of the Applicants.
22 Margot Street
Oakville, Ontario L6H 3M7

Mr. G.R. Terry
22 Margot Street
Oakville, Ontario L6H 3M7

Janine Radjija and Mr. G.R. Terry were both sworn in by the Chairman.

Secretary read comments from the Regional Planning and Development Department indicating that this proposal conflicts with the following policies of the Hamilton-Wentworth Official Plan:

3.1.3 That the following criteria will be used as a guide for development in the Rural Policy Areas:

(e) Directing development to Rural Settlements and Urban Areas where practical; and,

3.1.4 In considering the appropriateness of non-agricultural uses and designations, regard shall be given to the following:

(b) The availability of alternate suitable locations within the Urban Policy Area and Rural Settlements, and the appropriateness of the proposed use to the Rural Policy Area;

6.2.1.11 In addition to Policies 6.2.2.8, 6.2.2.9, and 6.2.2.10, a consent to sever a property for one residential dwelling, on an infilling basis may be considered so long as:

(a) Such consent is not prohibited in an Area Municipal Official Plan;

(b) The land fronts on a public roadway;

(c) The land is situtated between two existing residential dwellings fronting on the same side of the road which are not more than 60 metres (approximately 200 feet) apart, provided that such existing dwellings are not located on or form part of an existing farming operation.

(d) The land is situated within linear development of three or more existing non-farm residential dwellings grouped on the same side of a public roadway, and

(e) The application conforms with the other policies of this Plan.

6.2.2.12 In addition to Policies 6.2.2.8, 6.2.2.9, and 6.2.2.10, a consent for a residential lot may be considered if the total existing property is not greater than 0.8 hectares (approximately 2 Ac.) in size and contains more than one residential dwelling.

The proposal conflicts with the policies in the Town of Flamborough Official Plan.

The lands involved are located within the "Rural Policy Area" and consist of Prime Agricultural Lands.

The Hamilton-Wentworth Official Plan discourages the creation of non-farm residential lots in the rural area and directs such development to settlement areas.

cont'd

The creation of lots with 15 feet of frontage is not in the interest of proper planning.

Conclusion:

The application conflicts with the intent and policies of the Hamilton-Wentworth Official Plan and should be refused.

Comment was read from the Town of Flamborough indicating that the lands are designated Agricultural according to the Official Plan and are zoned Agricultural 'A'.

The Town does not encourage the creation of residential lots in a rural area. Such development is intended to be directed to one of the recognized settlement areas situated throughout the Town. Also, the lands proposed to be severed do not comply with the minimum lot frontage requirement of the Agricultural 'A' zoning category of By-law No. 2287-WF-Z. The application indicates a frontage of 15 feet, whereas the By-law requires a minimum frontage of 100 feet.

Comment was read from the Regional Engineering Department as follows:

Please be advised that neither public watermains nor sanitary sewers are available to service the subject lands.

The designated road allowance width of Safari Road is 26.21m (86 feet). In accordance with this designation, we recommend, as a condition of approval, that sufficient lands be dedicated to the Region for road widening purposes. This will establish the property line 13.11m (43 feet) from the centre line of the original Safari Road road allowance adjacent to the lands to be severed.

Any works within the Safari Road road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-Law.

According to the plans submitted, the applicant intends to convey a lot with 15 feet of frontage onto Safari Road. We have reviewed this width with respect to access requirements and recommend that frontage on Safari Road be increased to a minimum of 20 feet for lands to be severed. Access Permits are required for any change in access or new access to Safari Road.

Due to the proximity of the proposed access to Highway No. 6, comments from the Ministry of Transportation and Communications should be taken into consideration.

Prior to the issuance of a Building Permit, the applicant requires a Building Line Permit from this office.

Comment was read from the Regional Department of Health Services as follows:

Applicant advises that the existing sewage disposal system serving the house on the lands to be retained is fully contained within the proposed new lot lines. The proposed conveyance is however, located in an area known to have a seasonally high water table and shallow overburden over rock.

Recommendations:

Seven-foot test holes will have to be dug in the area of the proposed sub-surface sewage disposal system to determine the depth of the water table and overburden over rock. Proposed severance cannot be approved until the above requirement has been satisfied and the sub-surface conditions found to be suitable.

Comment was read from the Ministry of Agriculture and Food indicating that the proposal would not comply with the Foodland Guidelines and staff would not recommend approval for the following reasons:

1. Approval would create an incompatible non-farm use in an agricultural area.

2. If the application is approved, the future expansion of nearby farm(s) or the development of new livestock operations in the immediate vicinity may be restricted due to the proximity of non-farm uses.

3. Approval could contravene the minimum distance separation requirements as established by the Agricultural Code of Practice.

cont'd.....

Mr. Hall reviewed the application and informed the Committee as follows:

1. These lands are designated Agricultural, however, they are presently used with the existing residential use on the property and it is unlikely that they will ever be used for an agricultural purpose.

2. There are a number of residential uses in the area, across the road and to the east along Number 6 Highway.

3. The frontage provided for this parcel is 15 feet and Mr. Hall noted that the Regional Engineering Department had asked that the width be increased to 20 feet and this may be possible if required by the Land Division Committee.

4. Mr. Hall indicated that the applicant would give the Committee further information.

Mr. Terry indicated that he was speaking on behalf of Janine Radjija who is the daughter of the owners and the proposed recipient of the subject parcel.

The lands were purchased by the applicants approximately 17 years ago and is not good agricultural land. There are eight houses existing across the road and two houses to the east of the existing dwelling.

The applicants are getting to an age where they require assistance in maintaining their property and it is proposed that a new home will be constructed on the subject parcel in order that Janine can be near her parents to help them in their old age.

When her parents pass away, the lands will be given to Janine as she is the only child and it is proposed at this time to demolish the old house as it is over 100 years old.

Mr. Terry indicated that he feels that this proposal is in keeping with existing development for the reason that there are a number of residential dwellings already existing in the area and he does not see any problem with one additional home.

Following discussion, of this application, it was moved by Norman Hamilton and seconded by Stan Jugovic that this application for consent to convey a parcel having a frontage of 15', irregular in shape and having an area of 28,656.75 sq. ft., located at Part of Lot 14, Con. 6, formerly in the Township of West Flamborough, now in the Town of Flamborough be **DENIED** for the following reasons:

1. Does not comply with the severance policies of the Hamilton-Wentworth Official Plan.

2. Does not comply with the policies of the Hamilton-Wentworth Official Plan for the Rural Policy Areas.

3. Does not appear to be in the interest of proper planning and development for the area.

4. Does not appear to comply with the policies of the Province of Ontario (Food Land Guidelines).

5. Does not comply with the requirements of the Zoning By-law.

CARRIED.
08/12/86

3. F-78-86 The application by Alfred R. Saccomano, R.R. #2, Branchton, Ontario.

Proposal: To convey a parcel having a frontage of 250' by a depth of 300' for rural residential purposes and to retain a 197.41 Ac. parcel for agricultural purposes.

Appearances: Mr. A.R. Saccomano, Applicant.

Mr. Saccomano was sworn in by the Chairman.

Secretary read comments from the Regional Planning and Development Department indicating that this proposal conflicts with the following policies in the Hamilton-Wentworth Official Plan:

3.1.3 That the following criteria will be used as a guide for development in the Rural Policy Areas:

(d) Directing development to lands of lesser agricultural capability and/or away from viable farm operations.

(e) Directing development to Rural Settlements and Urban Areas where practical; and,

3.1.4 In considering the appropriateness of non-agricultural uses and designations, regard shall be given to the following:

(b) The availability of alternate suitable locations within Urban Policy Area and Rural Settlements, and the appropriateness of the proposed use to the Rural Policy Area;

3.1.6 To prevent the unnecessary division of viable farm operations and to protect from unnecessary development, lands on which there are or could be established viable farming operations.

3.2.1.2 To direct non-farm development toward Rural Settlement Areas, Industrial Business Parks, Rural Residential Estates and Rural Mobile Home Development, or Urban Areas.

6.2.1.1 Consents for non farm uses and supporting or ancillay agricultural uses in the Rural Policy Area must comply with Section 3 of the Plan.

6.2.2.2 On prime agricultural lands in relation to a viable farm operation, the size of the parcel severed shall be limited to the requirements of the intended use and generally shall not be larger than the lot size requirements of Policy 6.1.4.

6.2.2.8 Consents considered under Policy 6.2.2.7 shall be limited to one of the following:

(a) One retirement lot for a bona-fide farmer so long as the farmer retains a residential lot with the existing farm dwelling and continues to live therein and conveys the remaining lands; or the farmer retains a residential lot to build a retirement dwelling for himself, and conveys the farm including the existing farm dwelling.

(b) One lot to a child of a bona-fide farmer so long as the child's assistance is essential to the farming operation as his or her principal activity, and no severance has been granted from the land within the last 10 years.

However, the applicant is encouraged to construct a second residence on the farm in accordance with regulations rather than severing a lot, in order to retain the land and the residence as an asset of the existing farm operation.

The proposal conflicts with the Town of Flamborough Official Plan policies.

cont'd.....

6. File No: H-112-86
2:20 p.m.

The application by Pelech, Otto & Powell on behalf of James Joseph Peter Kennelly for consent to convey a parcel of land to be added to an adjoining parcel for light industrial purposes, located at Part of Lots 14, 15 and 16, Doctor Springer Survey, R.P. No. 305, in the City of Hamilton.

7. File No: H-113-86
2:30 p.m.

The application by Noel Adair Campbell on behalf of Charles A. Sandford for consent to convey a parcel of land to be added to an adjoining parcel for residential purposes, located at Part of Lot 8, Con. 5, formerly in the Township of Barton, now in the City of Hamilton.

8. File No: H-114-86
2:40 p.m.

The application by Union Gas Limited on behalf of Canron Inc. for consent to establish a right-of-way for utility purposes, located at Part of Lot 2, Broken Front Concession, formerly in the Township of Barton, now in the City of Hamilton.

9. File No: S-59-86
2:50 p.m.

The application by A. Douglas Burns on behalf of Louis Sienna for consent to convey a parcel of land for residential purposes, located at Part of Lot 35, Leckie Park, R.P. No. 955, in the City of Stoney Creek.

10. File No: S-60-86
3:00 p.m.

The application by Mark A. McHughan of Smith, Lyons, Torrance, Stevenson & Mayer on behalf of the Estate of John Campbell Mitchell for consent to convey a parcel of land for a parking lot, located at Part of Lot 22, Con. 1, formerly in the Township of Saltfleet, now in the City of Stoney Creek.

11. File No: S-61-86
3:10 p.m.

The application by John Van Essen on behalf of Milan and Mary Rados for consent to convey a parcel of land for residential purposes, located at Part of Lot 8, Con. 2, formerly in the Township of Saltfleet, now in the City of Stoney Creek.

12. OTHER BUSINESS.

/lm

It was noted that the lands involved are located within the "Rural Policy Areas" of the Hamilton-Wentworth Official Plan and consist of Prime Agricultural Lands. The aerial photography indicates the lands are worked.

The Hamilton-Wentworth Official Plan contains numerous policies which discourage the creation of non-farm related residential lots in the rural area and directs such development to settlement areas.

The applicant does not indicate the purpose of the severance. If it is for retirement purposes, the lands proposed to be conveyed should be retained and the 1.72 acres is considered excessive in size and should be reduced to the minimum recommended by the Regional Health Unit.

Conclusion:

The application conflicts with the Hamilton-Wentworth Official Plan and should be refused.

Comment was read from the Town of Flamborough indicating that the lands are designated Agricultural and are zoned Agricultural 'A'.

The Town does not encourage the creation of residential lots in a rural area. Such development is intended to be directed to one of the recognized settlement areas situated throughout the Town. The proposal does not appear to be related to a farming activity and, as such, staff question the necessity for this application. Should the application be required for farm help, staff suggest that the applicant consult with the Town with respect to the construction of a farm help house on the existing property.

Comment was read from the Regional Engineering Department advising that neither public watermains nor sanitary sewers are available to service the subject lands.

Comment was read from the Regional Department of Health Services as follows:

Proposed conveyance is located in an area known to have a seasonally high water table and shallow overburden over rock.

Recommendations:

Seven-foot test holes will have to be dug in the area of the proposed sub-surface sewage disposal system to determine the depth of the water table and overburden over rock. Proposed severance cannot be approved until the above requirement has been satisfied and the sub-surface conditions found to be suitable.

Comment was read from the Ministry of Agriculture and Food indicating approval would not comply with the Foodland Guidelines and staff would not recommend approval for the following reasons:

1. Approval would create an incompatible non-farm use in an agricultural area.

2. Approval would fragment farmland.

3. The proposed severance is located on land designated Class 1, 2, 3 or 4 as described in the Canada Land Inventory.

Comment was read from the Grand River Conservation Authority with no objection.

Mr. Saccomano reviewed the application and informed the Committee as follows:

1. The 200 acre farm has been in his family name since 1932.

2. He has owned the land and farmed it on a fulltime basis for the past 35 years.

3. He operates a dairy farm on the 200 acre parcel.

cont'd.....

4. He keeps between 80 and 125 head of cattle and is milking 50 cows.

5. He has two sons who are taking over the farm and have already purchased the milk quota and farm machinery.

6. The land is still owned by himself. The sons will buy the farm when they have sufficient funds.

7. There are two existing homes on the farm located in the south east corner which are occupied by his sons and himself.

8. The lot which is proposed to be severed will be used as a retirement home in order that his sons will each have their own home near to the farm buildings.

9. The area where he proposes to costruct his new home and sever the lot was occupied by the original house and barn on Lot 20. The old house and barn burned down approximately 45 years ago. Nothing is left but the old rubble foundation.

10. The location is in an area where they cannot farm because of the remains of the old buildings.

The Committee explained that the policies in the Regional Official Plan provide for retirement lots for bona-fide farmers, however, the application appears to be made in reverse inasmuch as the intent in the policy is that the farm will be sold and the farmer will construct a home on the parcel being retained.

It would appear that this application has been made in reverse and it was suggested that Mr. Saccomano may wish to amend his application in order that it will comply with the policies in the Official Plan.

It was also noted that the comments indicate that the lot size may be excessive for a retirement lot and suggested that the amendment to the application should also include an amendment to the size of the parcel being established as a retirement lot.

Mr. Saccomano indicated that he would have no objection to an amendment to the application and indicated that he would be happy with a lot having a frontage of 195' by a depth of 300'.

Following discussion, it was moved by Stan Jugovic and seconded by Don Ewen that this application be **AMENDED** to reflect its intent to convey the farm lands having a frontage of approximately 2,590' by a depth of 3,180' with an area of 197.91 acres and to retain a lot for retirement purposes having a frontage of 195' by a depth of 300'.

CARRIED.

Mr. Saccomano indicated that he does not believe in creating lots from farm land and it is not their intent to sell this retirement lot. He noted that he had obtained the consent in 1972 to create a lot, however, it was not sold and was put back in with the farm.

He further noted that his two boys are presently managing the farm and he only assists them with advice and physical assistance during their busy times.

Following discussion, it was moved by J. Douglas Welland and seconded by Stan Jugovic that this application **AS AMENDED** for consent to convey a farm parcel having a frontage of approximatley 2,590' by a depth of 3,180' and having an area of approximately 197.41 acres and to retain a lot for retirement purposes having a frontage of 195' by a depth of 300', located at Parts of Lots 20 and 21, Con. 6, formerly in the Township of Beverly, now in the Town of Flamborough be **APPROVED** for the following reasons:

1. Complies with the intent of the Official Plan.

2. The farm is being taken over by the applicant's two sons.

3. The parcel being retained will provide a home for a bona-fide retiring farmer.

cont'd.....

The Consent granted being subject to the following conditions:

1. That the owner satisfy all requirements, financial and otherwise, of the Town of Flamborough.

2. That the owner satisfy the Capital Lot Levy of the Regional Municipality of Hamilton-Wentworth, the amount of which is $170 payable to the Regional Department of Finance.

3. That an Ontario Land Surveyor's plan of the retained parcel be submitted to the Land Division Committee office.

4. That proof be submitted that the concerns of the Regional Department of Health Services have been satisfied with regard to the installation of a private sewage disposal system on the parcel being retained.

5. The above conditions to be fulfilled within one (1) year from the date of notice of this decision or the consent is refused.

CARRIED.
08/12/86

4. H-110-86 The application by James A. Bridle, 460 Brant Street, Suite 200, Burlington, Ontario on behalf of Roger Owen Abbiss, c/o Bridle & Bridle, 460 Brant Street, Suite 200, Burlington, Ontario.

Proposal: To convey a parcel of land measuring 28.10' x 100.01', which is occupied by one half of a semi-detached dwelling and to retain the balance of the holding, measuring 23' x 100', which is occupied by a single family dwelling.

Appearances: Mr. J. Bridle, Solicitor on behalf of the Applicant.

Mr. Roger Abbiss, Applicant.

Secretary read comments from the Regional Planning and Development Department indicating that this proposal would not conflict with the intent of the Hamilton-Wentworth Official Plan.

It was noted that the purpose of the severance is to correct the title when a merger of the lands was inadvertantly created.

Both the lands to be conveyed, as well as those to be retained, may not meet by-law requirements. In this regard, the Building Department should be consulted for verification.

Because this is an existing situation and an approval of the severance would not alter the present character of the streetscape, the application can be supported.

Recommendation:

Approval, subject to the following:

- that the applicant receive approval of any by-law variances, if required, by the Building Department.

Comment was read from the Regional Engineering Department advising that public watermains as well as sanitary sewers are available to service the lands.

The comment advised the applicant of a future road allowance widening on Main Street.

Comment was read from the City of Hamilton Building Department as follows:

The proposed lots may be recognized as "lots of record" if each property has been held in separate registered title since prior to the passing of Zoning By-law #6593 on July 25, 1950.

Comment was read from the City of Hamilton Treasury Department, the City of Hamilton Traffic Department and the Niagara Escarpment Commission with no objection.

Mr. Bridle reviewed the application and informed the Committee as follows:

1. This application is made to correct an oversight which happened some years ago when the subject parcel was conveyed.

2. There were affidavits in the deed which indicated that this proposal did not offend the Planning Act, however, when the lands were resold it was found that these lands had been owned by the same owner and abutted the Main Street lands by a difference of 5' 6" to the rear.

3. Both parcels contain existing houses built in the 1920's and have been owned separately at various times.

4. He is certain that he can prove to the Building Department that they can be considered as Lots of Record.

Following discussion of this application, it was moved by William Powell and seconded by Stan Jugovic that this application for consent to convey a parcel having a frontage of 28.10' by a depth of 100.01', located at Part of

cont'd.....

Lot 22 and 23, Richard Beasley Survey, Registered Plan No. 244, in the City of Hamilton be **APPROVED** for the following reasons:

1. Complies with the intent of the Official Plan.

2. The Committee considers the proposal to be in keeping with development in the district. (Existing dwellings on both parcels. Application is made to correct title)

The Consent granted being subject to the following conditions:

1. That the owner satisfy all requirements, financial and otherwise, of the City of Hamilton.

2. That an Ontario Land Surveyor's plan of the subject parcel be submitted to the Land Division Committee office.

3. That the owner apply for and receive final approval of a variance from the requirement of the Zoning By-law. (if required by the City of Hamilton Building Department)

4. The above conditions to be fulfilled within one (1) year from the date of notice of this decision or the consent is refused.

CARRIED.
08/12/86

5. H-111-86 The application by Peter and Margaret Selinger, 191 Eleanor Avenue, Hamilton, Ontario.

Proposal: To convey a vacant parcel of land having a frontage of 40' by a depth of 113' 9 3/4" for residential purposes and to retain the balance of the holding, having an area of 87,095 sq. ft., which is occupied by a single-family dwelling.

Appearances: Mr. and Mrs. P. Selinger, Applicants.

Mr. and Mrs. Selinger were both sworn in by the Chairman.

Secretary read comments from the Regional Planning and Development Department indicating that this proposal would not conflict with the intent of both the City of Hamilton and Hamilton-Wentworth Official Plans.

It was noted that the proposal is in compliance with the approved Eleanor Neighbourhood Plan, Zoning By-law and both Regional and City Official Plans.

The Engineering Department has indicated that sewer services are in the process of being installed.

Recommendation:

Approval.

Comment was read from the Regional Engineering Department as follows:

Please be advised that the services for watermains and sewer systems are currently under construction.

We do not anticipate any further road allowance widenings at this time.

Any works within the Eleanor Avenue road allowance must conform to the City of Hamilton Streets By-Law.

Comment was read from the Regional Department of Health Services advising that services will be available later this year.

Recommendations:

Approved subject to both the proposed residence and the existing dwelling being connected to these services.

Comments were read from the City of Hamilton Building Department, the City of Hamilton Treasury Department, the City of Hamilton Traffic Department and the Niagara Escarpment Commission with no objection.

Mr. Selinger reviewed the application and informed the Committee as follows:

1. The sewer is presently being installed in the area and this application is made to sever a lot which is proposed to be used for a new single-family dwelling.

2. The size of the lot will fit in with future development in the rear lands.

3. Since this application was made, they have received an offer to purchase all of the lands in one block except for their existing house and garage.

4. He has made an application to sever all the land and if that offer goes through, this application will probably be withdrawn.

Following discussion, it was moved by Stan Jugovic and seconded by J. Douglas Welland that this application for consent to convey a parcel having a frontage of 40' by a depth of 113' 9 3/4", located at Part of Lot 8, Con. 8, being part of Lot 28, Registered Plan No. 853, formerly in the Township of Barton, now in the City of Hamilton be **APPROVED** for the following reasons:

1. Complies with the intent of the Official Plan.

2. Complies with the Zoning By-law requirements.

cont'd.....

3. The Committee considers the proposal to be in keeping with development in the district.

The Consent granted being subject to the following conditions:

1. That the owner satisfy all requirements, financial and otherwise, of the City of Hamilton.

2. That the owner satisfy the Capital Lot Levy of the Regional Municipality of Hamilton-Wentworth, the amount of which is $680 payable to the Regional Department of Finance.

3. That an Ontario Land Surveyor's plan of the subject parcel be submitted to the Land Division Committee office.

4. That proof be submitted that the existing dwelling #191 Eleanor Avenue has been connected to the municipal sewer and water supply.

5. The above conditions to be fulfilled within one (1) year from the date of notice of this decision or the consent is refused.

CARRIED.
08/12/86

6. H-112-86 The application by Pelech, Otto & Powell, 149 Main St. East, Hamilton, Ontario on behalf of James Joseph Peter Kennelly, 29 Cameo Avenue, Hamilton, Ontario.

Proposal: To convey a vacant parcel of land having a width of approximately 55.14' by a depth of 115' for light industrial purposes and to retain a parcel having a frontage of 55' by a depth of 110' for urban residential purposes.

Appearances: Mr. Anthony Powell, Solicitor on behalf of the Applicant.

Mr. James Kennelly, Applicant.

Mr. James Kennelly was sworn in by the Chairman.

Secretary read comments from the Regional Planning and Development Department indicating that this proposal would not conflict with the Hamilton-Wentworth and City of Hamilton Official Plans.

The lands to be conveyed are to be added to adjacent lands to the east and west in conjunction with these lands for industrial purposes.

Recommendation:

Approval, subject to the following:

That the lands being conveyed are registered in the same name and title to which they are to be added.

Comment was read from the Regional Engineering Department advising that public watermains as well as combined sanitary and storm sewers are available to service the subject lands.

Comments were read from the City of Hamilton Building Department, the City of Hamilton Treasury Department and the City of Hamilton Traffic Department with no objection.

Mr. Powell reviewed the application and informed the Committee as follows:

1. The subject parcel will be added to and made part of adjoining lands.

2. The parcel being retained is occupied as a residential property and the rear lands are presently used for a commercial use.

3. The right-of-way being requested is existing and is over Part 5 on the Plan.

Following discussion, it was moved by Don Ewen and seconded by Stan Jugovic that this application for consent to convey a parcel having a width of approximately 55.14' by a depth of 115' with an area of 6,318 sq. ft. and to establish a 12' x 110' right-of-way, and shown as Part 3 on Registered Plan No. 62R-6570, located at Parts of Lots 14, 15 and 16, Doctor Springer Survey, Registered Plan No. 305, in the City of Hamilton be **APPROVED** for the following reasons:

1. Complies with the intent of the Official Plan.

2. Complies with the Zoning By-law requirements.

3. The Committee considers the proposal to be in keeping with development in the district.

The Consent granted being subject to the following conditions:

1. That the owner satisfy all requirements, financial and otherwise, of the City of Hamilton.

2. That the subject parcel be registered in the same name and title as the lands to which it is to be joined. Subsection 5 of Section 49 of The Planning Act, 1983, shall apply to any subsequent conveyance or transaction of the lands.

3. The above conditions to be fulfilled within one (1) year from the date of notice of this decision or the consent is refused.

CARRIED.
08/12/86

7. H-113-86 The application by Noel Adair Campbell, Suite 505, 135 James Street South, Hamilton, Ontario on behalf of Charles A. Sandford, 799 Upper Sherman Avenue, Hamilton, Ontario.

Proposal: To convey a parcel having a width of 40.5' by a depth of 10' for residential purposes and to retain the balance of the holding, measuring 63.50' x 160' which is occupied by a single-family dwelling.

Appearances: Noel Adair Campbell, Solicitor on behalf of the Applicant.

Secretary read comments from the Regional Planning and Development Department indicating that this proposal does not conflict with the Hamilton-Wentworth or City of Hamilton Official Plans.

It was recommended that the application be approved subject to the lands being conveyed being registered in the same name and title to which they are to be added.

Comment was read from the Regional Engineering Department advising that public watermains as well as combined sanitary and storm sewers are available to service the subject lands.

Comments were read from the City of Hamilton Building Department, the City of Hamilton Treasury Department, the City of Hamilton Traffic Department and the Niagara Escarpment Commission with no objection.

Mr. Campbell reviewed the application and informed the Committee as follows:

1. The subject parcel is a small parcel at the rear of No. 795 Upper Sherman presently owned by the owners of No. 799 Upper Sherman.

2. It is proposed in this application to make this small parcel part of No. 795 Upper Sherman.

Following discussion of this application it was moved by Stan Jugovic and seconded by William Powell that this application for consent to convey a parcel having a width of 40.5' by a depth of 10', located at Part of Lot 8, Con. 5, formerly in the Township of Barton, now in the City of Hamilton be **APPROVED** for the following reasons:

1. Complies with the intent of the Official Plan.

2. The Committee considers the proposal to be in keeping with development in the district.

The Consent granted being subject to the following conditions:

1. That the owner satisfy all requirements, financial and otherwise, of the City of Hamilton.

2. That the subject parcel be registered in the same name and title as the lands to which it is to be joined. Subsection 3 of Section 49 of The Planning Act, 1983, shall apply to any subsequent conveyance or transaction of the lands.

3. The above conditions to be fulfilled within one (1) year from the date of notice of this decision or the consent is refused.

CARRIED.
08/12/86

8. H-114-86 The application by Union Gas Limited, 50 Keil Drive North, Chatham, Ontario on behalf of Canron Inc., Suite 3400, First Canadian Place, P.O. Box 34, Toronto, Ontario.

Proposal: To establish a right-of-way in favour of Union Gas over a parcel having a width of 3.048m and having an area of 276.56m^2.

There were no appearances on behalf of the Applicant.

The Secretary indicated that he had received a call from the Union Gas Company asking that the Committee proceed with this application in their absence.

Comment from the Regional Planning and Development Department indicated no conflict with the Official Plan and recommended approval.

All other agencies indicated no comment with regard to this application.

Following discussion, it was moved by Don Ewen and seconded by William Powell that this application for consent to establish an easement or right-of-way over a parcel having a width of 3.048m and having an area of 276.56 m^2, shown as Part 1 on Reference Plan 62R-7925 and located at Part of Lot 2, Broken Front Concession, formerly in the Township of Barton, now in the City of Hamilton be **APPROVED** for the following reasons:

1. Complies with the intent of the Official Plan.

2. The Committee considers the proposal to be in keeping with development in the district.

The Consent granted being subject to the following conditions:

1. That the owner satisfy all requirements, financial and otherwise, of the City of Hamilton.

2. The above conditions to be fulfilled within one (1) year from the date of notice of this decision or the consent is refused.

CARRIED.
08/12/86

9. S-59-86 The application by A. Douglas Burns, 1200-100 King Street West, Hamilton, Ontario on behalf of Louis Sienna, 143 Highland Road West, Stoney Creek, Ontario.

Proposal: To convey a parcel having a frontage of 55' by a depth of 100' for residential purposes and to retain a parcel of land having a frontage of 55' by a depth of 100' also for residential purposes.

Appearances: Mr. Douglas Burns, Solicitor on behalf of the Applicant.

Secretary read comments from the Regional Planning and Development Department indicating that this proposal does not conflict with the Hamilton-Wentworth Official Plan.

The lands involved are identified as "Existing Development" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan.

Since the proposal would appear to satisfy the zoning by-law requirements with respect to minimum lot frontage and lot area the proposal would not conflict with the intent of the Hamilton-Wentworth Official Plan.

This application is also related to Severance Application S-31-86 which resulted in the creation of the lands involved.

Comment was read from the City of Stoney Creek indicating that the proposal conforms with the Official Plan. The proposal does conflict with the zoning by-law for the following reasons:

-The existing dwelling is located on the division line between the lands to be conveyed and retained. This dwelling must be relocated or removed to comply with the relevant provisions of the Zoning By-law.

-The lands to be retained and conveyed would satisfy the minimum lot frontage regulation of 15.0m and the minimum lot area regulation of 464.5m^2 of said Zoning By-law No. 2505.

This proposal is in conformity with the Official Plan. The applicant should be advised that a detailed site plan addressing lot grading and drainage will be required for approval at the Building Permit stage.

Recommendation:

Planning Staff have no objection to the approval of this application subject to the following conditions:

1. The existing single family dwelling which encroaches on the division line between the lands to be conveyed and retained being removed or relocated in order to comply with the relevant By-law regulations;

2. The applicant satisfying all requirements financial and otherwise of the City of Stoney Creek; and,

3. A copy of a final Surveyor's Plan being forwarded to the City of Stoney Creek.

Comment was read from the Regional Engineering Department advising that public watermains as well as sanitary sewers are available to service the subject lands.

Comment was read from the Regional Finance Department indicating that local improvement charges which must be paid are $1,135.68.

Comment was read from the Regional Department of Health Services indicating no objection.

Comment was read from the Niagara Escarpment Commission with no objection.

Mr. Burns reviewed the application and informed the Committee as follows:

1. The existing dwelling on the subject parcel is to be demolished and new dwellings are proposed to be constructed on both the subject parcel and the parcel being retained.

cont'd.....

2. Both new homes will be connected to the available services.

Following discussion, it was moved by Norman Hamilton and seconded by William Powell that this application for consent to convey a parcel having a frontage of 55' by a depth of 100', located at Part of Lot 35, Leckie Park, Registered Plan 955, in the City of Stoney Creek be **APPROVED** for the following reasons:

1. Complies with the intent of the Official Plan.

2. The Committee considers the proposal to be in keeping with development in the district.

The Consent granted being subject to the following conditions:

1. That the owner satisfy all requirements, financial and otherwise, of the City of Stoney Creek.

2. That the owner satisfy the Capital Lot Levy of the Regional Municipality of Hamilton-Wentworth, the amount of which is $510 payable to the Regional Department of Finance.

3. That an Ontario Land Surveyor's plan of the subject parcel be submitted to the Land Division Committee office.

4. That proof be submitted that the existing dwelling which encroaches on the division line between the lands to be conveyed and retained has been removed or relocated so as to comply with relevant By-law regulations.

5. That the owner pay Local Improvement Charges as required by the Regional Finance Department.

6. The above conditions to be fulfilled within one (1) year from the date of notice of this decision or the consent is refused.

CARRIED.
08/12/86

10. S-60-86 The application by Mark A. McHughan, c/o Smith, Lyons et al, Suite 3400, Exchange Tower, P.O. Box 420, 2 First Canadian Place, Toronto, Ontario on behalf of The Estate of John Campbell Mitchell, c/o Cynthia Drycott of Canada Trust, 46 King Street East P.O. Box 710, Hamilton, Ontario.

Proposal: To convey a parcel having a frontage of 99.06m by a depth of 41.15m for parking purposes and to retain a parcel of land having a frontage of 41.15m by a depth of 145.32m for warehousing purposes.

Appearances: Mr. Hugh Gillespie, Solicitor on behalf of the Applicant.

Secretary read comments from the Regional Planning and Development Department indicating that the proposal does not conflict with the Hamilton-Wentworth Official Plan.

The lands involved are within the "Urban Policy Areas" and identified as "Existing Development" in the Hamilton-Wentworth Official Plan.

The proposal would not conflict with the intent of the Plan provided the lands are to be used in conjunction with the adjoining lands to the south for parking purposes and are registered in the same name and title as the lands to the south.

While the applicant has noted that a previous severance application involving this parcel of land had been submitted, this Branch does not have any record of such an application.

The applicant further advises that an application to the Committee of Adjustment has been submitted to permit the severed lands to be used for parking purposes.

Comment was read from the City of Stoney Creek indicating that this proposal is in conformity with the Official Plan, however, conflicts with the zoning by-law.

The lands to be conveyed are to be used as a parking area in conjunction with with the adjoining industrial property to the east. The relevant Zoning By-law regulation currently prohibits front yard parking other than for limited visitor parking. This parcel is to accomodate approximately 75 vehicles. The applicant has made application to the Committee of Adjustment to allow these lands to be used as a parking area, which application will be heard by the Committee of Adjustment on August 6, 1986.

The applicant should be required to enter into a Development, Maintenance and Use Agreement prior to construction of the proposed parking facility as per the City Engineer's comments.

Recommendation:

Planning Staff have no objection to the approval of this application subject to the following conditions:

1. The lands to be conveyed being registered in the same name and title to which they are to be added;

2. The applicant obtaining final approval from the Committee of Adjustment in order to allow the lands to be conveyed to be used for parking.

3. The applicant satisfying all requirements financial and otherwise of the City of Stoney Creek.

4. A copy of a final Surveyor's Plan being forwarded to the City of Stoney Creek.

Comment was read from the Regional Engineering Department as follows:

Please be advised that public watermains as well as sanitary sewers are available to service the subject lands.

The applicant should be advised of a future road allowance widening to establish a 12.19m x 12.19m (40 feet x 40 feet) daylight triangle from the widened limits of Gray Road at the north-east angle of Grays Road and Arvin Avenue.

cont'd.....

Any works within the adjacent road allowances must conform to the respective Streets By-Laws.

Comment was read from the Regional Finance Department indicating that local improvement charges which must be paid are in the amount of $4,073.38.

Comment was read from the Regional Department of Health Services indicating no objection provided the existing building on the retained lot and any future buildings are properly connected to the available municipal sewers and water supply.

Recommendations:

Approved subject to the above.

Comment was read from the Niagara Escarpment Commission with no objection.

Mr. Gillespie reviewed the application and informed the Committee as follows:

1. The subject parcel is vacant land and is proposed to be conveyed to and added to the lands immediately to the east.

2. The land will be used for parking purposes.

3. They have made application to the City of Stoney Creek Committee of Adjustment as indicated by the City's comment and they have approved all variances to the zoning by-law.

4. He has discussed this proposal with the Health Unit and they have indicated to him that if the existing tile bed on the parcel being retained is contained completely within the lands being retained that they may waive their requirement that the existing building be connected to the sanitary sewer.

Following discussion, it was moved by Norman Hamilton and seconded by Stan Jugovic that this application for consent to convey a parcel having a frontage of 99.06m by a depth of 41.15m, located at Part of Lot 22, Con. 1, formerly in the Township of Saltfleet, now in the City of Stoney Creek be **APPROVED** for the following reasons:

1. Complies with the intent of the Official Plan.

2. The Committee considers the proposal to be in keeping with development in the district.

The Consent granted being subject to the following conditions:

1. That the owner satisfy all requirements, financial and otherwise, of the City of Stoney Creek.

2. That an Ontario Land Surveyor's plan of the subject parcel be submitted to the Land Division Committee office.

3. That the owner apply for and receive final approval of a variance from the requirement of the Zoning By-law to permit the proposed use of the subject parcel.

4. That the subject parcel be registered in the same name and title as the lands to which it is to be joined. Subsection 3 of Section 49 of The Planning Act, 1983, shall apply to any subsequent conveyance or transaction of the lands.

5. That the owner pay Local Improvement charges as required by the Regional Finance Department.

6. That the existing building on the parcel being retained be connected to the sanitary sewer and municipal water supply if required by the Regional Department of Health Services.

7. The above conditions to be fulfilled within one (1) year from the date of notice of this decision or the consent is refused.

CARRIED.
08/12/86

11. S-61-86 The application by John Van Essen, 1 Edge Hill Drive, Grimsby, Ontario on behalf of Milan and Mary Rados, 288 McNeilly Road, Stoney Creek, Ontario.

Proposal: To convey a parcel of land having a frontage of 65' by a depth of 120' for non-farm related residential purposes and to retain a parcel having a frontage of 112.25' by a depth of 730' for agricultural purposes.

There were no appearances on behalf of the Applicant.

The Committee noted that their notice of this hearing indicates that the Committee may proceed with the hearing in the absence of the applicant and suggested that they proceed with this application.

Secretary read comments from the Regional Planning and Development Department as follows:

The lands in question are identified as "Rural Area" within the "Rural Policy Areas" of the Hamilton-Wentworth Official Plan.

While the lands are within the "Rural Policy Areas", the proposal would not appear to conflict with the intent of the Official Plan since full municipal services are available. It appears to comply with the City of Stoney Creek Official Plan and similar development already exists along both the east and west sides of McNeilly Road.

Comments from the City of Stoney Creek are considered essential to the evaluation of this application.

Comment was read from the City of Stoney Creek indicating that this proposal conforms with the policies in the City of Stoney Creek Official Plan, however, conflicts with the Zoning By-law for the following reasons:

The lands to be retained do not satisfy the minimum lot frontage regulation of 91.5 metres and the minimum lot area regulation of 4.0 hectares of said Rural Residential "RR" Zone. An amendment to the Zoning By-law will be required to make provision for the undersized lot frontage and lot area on the retained lands. The intended use of the parcel to be conveyed would require an amendment to the Zoning By-law to establish a residential zone on this parcel.

This proposal is in conformity with the relevant policies of the Official Plan for infilling severances (Policy C.3.3.3). The applicant should be advised that a 3.0 metre road widening will be required on McNeilly Road as per the City Engineer's comments. The City Engineer further advised that a detailed lot grading and drainage plan will be required at the Building Permit stage.

Recommendation:

Planning Staff have no objection to the approval of this application subject to the following conditions:

1. The applicant complying with the requirements of the City Engineer;

2. The applicant obtaining approval of an amendment to By-law No. 2347 in order to establish a residential zoning category upon the conveyed lands and to legalize the lesser lot frontage and lot area on the lands to be retained.

3. The applicant satisfying all requirements, financial and otherwise, of the City of Stoney Creek; and

4. A copy of a final Surveyor's plan being forwarded to the City of Stoney Creek.

Comment was read from the Regional Engineering Department advising that public watermains as well as sanitary sewers are available to service the severed lands.

Comment was read from the Regional Department of Health services indicating no objection provided the existing dwelling is connected to the available municipal sewer and water supply.

cont'd.....

Comment was read from the Ministry of Agriculture and Food indicating that this proposal would have little or no impact on agriculture.

Comment was read from the Niagara Escarpment Commission with no objection.

Following discussion, it was moved Norman Hamilton and seconded by Stan Jugovic that this application for consent to convey a parcel of land having a frontage of 65' by a depth of 120', located at Part of Lot 8, Con. 2, formerly in the Township of Saltfleet, now in the City of Stoney Creek be **APPROVED** for the for the following reasons:

1. Complies with the intent of the Official Plan.

2. The Committee considers the proposal to be in keeping with development in the district.

The Consent granted being subject to the following conditions:

1. That the owner satisfy all requirements, financial and otherwise, of the City of Stoney Creek.

2. That the owner satisfy the Capital Lot Levy of the Regional Municipality of Hamilton-Wentworth, the amount of which is $510 payable to the Regional Department of Finance.

3. That the owner dedicate to the City of Stoney Creek sufficient land, in fee simple, free and clear of all encumbrances and restrictions, for road widening purposes as requested by the City Engineer.

4. That an Ontario Land Surveyor's plan of the subject parcel be submitted to the Land Division Committee office.

5. That the owner apply for and receive final approval of an amendment to the Zoning By-law as required by the City of Stoney Creek.

6. That proof be submitted that the existing dwelling on the parcel being retained has been connected to the municipal sewer and water supply.

7. The above conditions to be fulfilled within one (1) year from the date of notice of this decision or the consent is refused.

CARRIED.
08/12/86

12. D-11-86 The application by John F. Mahony, 161 King Street West, Dundas, Ontario on behalf of S.K. Woods and L.T. Koike, 500 Green's Road #606, Stoney Creek, Ontario.

Proposal: To convey a parcel of land measuring 28' x 100'± for residential purposes and to retain a parcel of land measuring 19'± x 96'± for residential purposes, and to establish a 10'± x 47'± right-of-way for access purposes.

Appearances: Mr. Ken Woods, Applicant.

Mr. Woods was sworn in by the Chairman.

The Secretary explained that this application had been deferred from the August 6, 1986 meeting for the reason that the applicant had not attended the hearing.

Mr. Woods apologized for not attending the hearing and indicated that there had been a misunderstanding between himself and his solicitor.

Secretary read comments from the Regional Planning and Development Department indicating the lands involved are identified as "Existing Development" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan.

While the proposal is not considered to be of Regional Planning Significance, approval of the application would create numerous conflicts with respect to minimum lot frontage, lot area and front and side yard requirements of the Zoning By-law.

Therefore, comments from the Town of Dundas are essential in the evaluation of this application.

Comment was read from the Town of Dundas as follows:

The Official Plan designates the subject lands Residential Neighbourhood. The Existing Zoning By-law designates the lands Residential RM2 allowing for semi-detached dwellings. The Proposed Zoning By-law designates the lands Residential R4 allowing for semi-detached dwellings as well.

The structure is an existing legal non-conforming situation. The applicant wishes to divide the existing semi-detached dwelling into two separate ownerships. In order to provide access to the rear of the dwelling at 242 King Street West an easement over the rear 10 feet of 240 King Street West is also being granted.

There is existing on the east side of Number 240 a frame verandah which encroaches on the Municipal road allowance. An encroachment agreement with the Municipality is in order.

The Planning Department has no objection to the proposed severance subject to:

1. a 10 foot wide right-of-way being granted over the rear of 240 King Street West to 242 King Street West for purposes of access being registered on title.

2. an encroachment agreement being entered into with the Town for that portion of the verandah at 240 King Street West which encroaches onto Town road allowance.

3. There will be no lot levies or park dedication to pay as both structures are already existing.

Comment was read from the Regional Engineering Department as follows:

Please be advised that public watermains as well as sanitary sewers are available to service the subject lands.

The designated road allowance width of King Street is 26.21m (86 feet) therefore, the applicant should be aware of a future road allowance widening. This would establish the property line 13.11m (43 feet) from the centre line of the original King Street right-of-way.

cont'd.....

According to the plans submitted, the existing stoop at 240 and 242 King Street West encroaches into the King Street road allowance. Therefore, we recommend as a condition of approval, that the applicant enter into the appropriate encroachment agreements with the Region for the stoop encroachment.

The applicant is to provide proof that the services (water and sanitary sewer) are separate to each unit or enter into a special agreement with the Region for services.

Comment was read from the Regional Department of Health Services indicating no objection.

Comment was read from the Niagara Escarpment Commission with no objection.

Mr. Woods reviewed the application and informed the Committee as follows:

1. The subject parcel and the parcel being retained contains 1/2 of an existing semi-detached dwelling.

2. This is a very old building and he understand that the building was converted to a dwelling from what was a hotel in 1900.

3. Parking is provided for both of the parcels.

4. They are aware that their porch encroaches on Matilda Street and also on King Street. They are prepared to enter into encroachment agreements with the Town of Dundas and the Region.

5. As near as they can tell each half of the semi-detached dwelling is served by a separate sewer and water supply.

6. Mr. Woods feels that this severance will be an asset to the Town of Dundas in that the building will be owner occupied and will be renovated to add to the property values in the area.

7. Mr. Woods further noted that the lot sizes are similar to other lots existing in the area.

Following discussion, it was moved by J. Douglas Welland and seconded by Norman Hamilton that this application for consent to convey a parcel having a frontage of 28' by an average depth of 100' and to establish a 10' x 147' right-of-way for access purposes, located at Part of Lot 6, Block 23, Richard Hatt Survey, Plan No. 1443, in the Town of Dundas be **APPROVED** for the following reasons:

1. Complies with the intent of the Official Plan.

2. The Committee considers the proposal to be in keeping with development in the district.

The Consent granted being subject to the following conditions:

1. That the owner satisfy all requirements, financial and otherwise, of the Town of Dundas.

2. That an Ontario Land Surveyor's plan of the subject parcel be submitted to the Land Division Committee office.

3. That the 10' right-of-way over the rear of 240 King Street West for access to the rear of 242 King Street West be registered on title.

4. That the owner enter into encroachment agreements with both the Town of Dundas and the Region of Hamilton-Wentworth regarding those portions of the verandah and stoop which encroach into the Matilda Street South and King Street West road allowances.

cont'd.....

OTHER BUSINESS

Application No. S-57-86
Applicant: Antonio and Ersilia Fragomeni

The Secretary read a letter from the applicant's solicitor and produced a survey plan.

The letter requested that this deferred application be amended according to the plan.

The Secretary asked if the Committee would be willing to amend the proposal and if so would they require the application to be re-circulated.

Following discussion, it was moved by Norman Hamilton and seconded by J. Douglas Welland that this application be amended as requested for consent to convey a parcel having a frontage of 15.614m by a depth of approximately 126.337m and to retain a parcel with a width of 15.54m and a depth of 125.876m.

The application is to be re-circulated to the Regional Planning and Development Department and to the City of Stoney Creek Planning Department for revised comments.

CARRIED.
08/12/86

The Secretary informed the Committee that Mrs. Kuzick of the F.R.A.S.P. organization had asked that she receive copies of the minutes and agendas on a regular basis.

The Secretary asked if the Committee would instruct the Secretary to send the requested minutes and agenda.

Following discussion it was suggested that the Secretary contact the Regional Clerk with regard to the Region's policy in such matters.

There being no other business the Meeting adjourned at 4:00 p.m.

Carman E. Bisbee
Secretary-Treasurer

John M. Southall
Chairman

/lm

5. That the owner provide proof that the services (water and sanitary sewer) are separate to each unit or enter into a special agreement with the Region for services.

6. The above conditions to be fulfilled within one (1) year from the date of notice of this decision or the consent is refused.

CARRIED.
08/12/86

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